

Appl. No. : 10/678,853
Filed : October 03, 2003

REMARKS

Applicant wishes to thank Examiner Angela J. Martin for the courteous telephone interview that was conducted on December 21, 2007. This response is consistent with the interview. No amendment is made in this response. Applicant respectfully requests favorable reconsideration of the present application in view of the following remarks.

Claim rejections under 35 U.S.C. § 102

Claims 1-4, 6, 7 have been rejected under 35 USC 102(e) as being anticipated by Shiepe (US 7166382). Claim 1 is independent and recites the limitations shown above.

As explained at the interview, Shiepe does not teach that a fuel is a liquid comprising a secondary alcohol (col. 8, lines 42-45). The alcohol is simply used to produce a porous flow field member and is removed to form voids (it is even called "a fugitive material"). Thus, the alcohol cannot be considered to be a fuel.

Further, although Shiepe teaches a fuel electrode made of an alloy of platinum (col. 6, lines 9-17), the alloy of platinum is merely one of possible choices (there are about 20 choices in the list). Shiepe does not specifically use an alloy of platinum. Thus, in this genus-species situation, because Figs. 4 and 5 of the instant application show unexpected results of using a platinum alloy, the unexpected results overcome the 102/103 rejection.

As least for the reason above, the claims cannot be anticipated by Shiepe. Applicant respectfully requests withdrawal of this rejection.

Claim rejections under 35 U.S.C. § 103

Claim 5 has been rejected under 35 USC 103(a) as being unpatentable over Shiepe. Claim 5 depends from claim 1. At least for this reason, claim 5 also cannot be obvious over Shiepe. Applicant respectfully requests withdrawal of this rejection.

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CONCLUSION

In light of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 1, 2008 By: 
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